



USAID
FROM THE AMERICAN PEOPLE

QUARTERLY REPORT

JANUARY–MARCH 2015

USAID'S JUSTICE PROJECT IN BOSNIA AND HERZEGOVINA

Contract: AID-168-TO-14-00001

Implemented by:

Millennium DPI Partners, LLC

Two Boar's Head Place, Suite 130
Charlottesville, VA 22903

Project Address:

Grbavicka Street No. 4, 5th floor
Sarajevo, Bosnia and Herzegovina
Telephone: 38733-219-678
e-mail: biljana.potparic@usaidjp.ba

April 30, 2015

DISCLAIMER

This document was produced for review by the United States Agency for International Development. It was prepared by Millennium DPI Partners, LLC. The views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

TABLE OF CONTENTS

Acronyms	iii
Executive Summary	I
Ongoing Program Operations	2
Coordination Of Donor Resources	2
Special Activities	3
Monitoring and Evaluation	4
Component 1: Improve the Professional Status and Performance of Prosecutors	4
Component 1 Activities This Quarter	5
Component 1 Activities Anticipated and in Preparation for the Next Quarter	15
Component 2: Improving Efficiencies in the Enforcement of Judgments	17
Component 2 Activities This Quarter	18
Component 2 Activities Anticipated and in Preparation for the Next Quarter	21
Component 3: Strengthening Justice Sector Institutions to Uphold Public Integrity and Combat Corruption	23
Component 3 Activities This Quarter	23
Component 3 Activities Anticipated and in Preparation for the Next Quarter	32

ACRONYMS

ACB	Association of Court Bailiffs
APIK	Agency for the Prevention of Corruption and Coordination of the Fight against Corruption
AWJ	Association of Women Judges
BiH	Bosnia and Herzegovina
CEECM	Courts' Enforcement Efficiency Capacity Matrix
COP	Chief of Party
EU	European Union
EUSR	European Union Special Representative in Bosnia and Herzegovina
FBiH	Federation of Bosnia and Herzegovina
HJPC	High Judicial and Prosecutorial Council
IFN	Integrated File Number
IR	Intermediate Result
ITC	Information Technology and Communication
USAID	United States Agency for International Development
JEI	Judicial Effectiveness Index
JP	USAID's Justice Project in Bosnia and Herzegovina
M&E	Monitoring and Evaluation
MOJ	Ministry of Justice
MOU	Memorandum of Understanding
NGO	Non-Governmental Organization
NOBC	National Organization for Bar Counsel
ODC	Office of Disciplinary Counsel
PGI	Prosecutor-Guided Investigations
PO	Prosecutor Office
POAP	Prosecutor Office Assistance Plan
POCM	Prosecutors' Offices Capacity Matrix
PPP	Prosecutor Partnership Program
RS	Republic of Srpska
SC	Standing Committee for Efficiency of Prosecutors
SDC	Swiss Agency for Development and Cooperation
SDFPO	Special Department of the Federal Prosecutor Office
SOW	Scope of Work
TI	Transparency International
UK	United Kingdom
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
USKOK	Office for the Prevention of Corruption and Organized Crime in the Republic of Croatia
WP	Work Plan

EXECUTIVE SUMMARY

As part of international community's effort to assist the government of Bosnia and Herzegovina (BiH) to build the capacity of the justice sector to fight corruption, the US Agency for International Development (USAID) launched a five-year initiative, the Justice Project in BiH (JP). The JP's objectives are to enhance: 1) prosecutors' status and performance, 2) the enforcement of court decisions, 3) the integrity of the justice sector as being worthy of public trust, and 4) the capability of courts and prosecutor offices (POs) to prosecute and enforce the law against corrupt officials.

The JP was launched on September 24, 2014. This report covers the second quarter, January–March 2015, and provides updated information on those activities outlined in the JP Year I Work Plan (WP). The report also includes some activities that have been initiated earlier than scheduled in the WP. In this first section, we provide an overview of the JP's key achievements, while more information on specific activities and achievements is detailed in the sections below.

After the initial start-up was completed and contacts were made with all relevant stakeholders and partners during the first quarter, the JP was able to finalize the recruitment process for all its vacant positions in the second quarter, including the position of a Monitoring and Evaluation (M&E) Director, who joined the team on January 19. The team now consists of 13 staff members, most of whom are seasoned rule of law experts. During the second quarter reporting period, the JP team has continued to engage local partners and stakeholders with the aim of reaching the goals set out in the WP.

In the second quarter, the JP continued the process of selecting the first group of POs to enter into the Prosecutor Partnership Program (PPP) for Year I of the Project. The team visited a number of Chief Prosecutors and other relevant actors and coordinated with the Standing Committee on Efficiency of Prosecutor Offices (SC) within the High Judicial and Prosecutorial Council of BiH (HJPC), in order to select the most appropriate POs for the first year of implementation. The process resulted in the selection of four POs: District POs in Doboj and East Sarajevo (or Istočno Sarajevo) and Cantonal POs in Zenica and Tuzla. Several key meetings were held with the SC to set up an effective coordination mechanism with the committee, as per the WP. One of the highlights of Quarter 2 was the signing of the PPP frameworks with four selected POs in February 2015 as part of Component I (to "Improve the Professional Status and Performance of Prosecutors"). The PPP is one of the Project's main undertakings, and the assistance that will be provided to the initial four POs will be followed by similar assistance to other POs. Each PPP will be built around the specific needs of each PO, and the JP will adopt a flexible approach in addressing the weakest points in each PO.

The JP continued to gather critical support for its activities from key institutions in the justice chain in BiH. As a result of these consensus-building efforts, the JP was able to obtain a strong letter of support from the President of the HJPC, which was distributed to all Court Presidents and Chief Prosecutors in BiH. The letter stressed the importance of the JP to the overall anti-corruption strategy and policy measures currently being undertaken in BiH, and it noted the importance of the Project's focus on the key priority areas, which are fully in-line with the HJPC's strategic goals. The letter instructed Court Presidents and Chief Prosecutors to provide full support and access to the JP staff and experts, noting that all results stemming from their work will be considered by the HJPC in the policy decisions of its governing bodies. The letter significantly increased the visibility of

the JP in the justice sector, and as a result JP staff were granted critical access to the courts and POs in the second quarter.

At the end of February, as part of Component 2 activities (to “Improve Efficiencies in the Enforcement of Judgments”), the JP, in collaboration with the Municipal Court in Sarajevo, organized a roundtable on “Enforcement Procedure – Options for Improvement.” The roundtable brought together a variety of key actors and agencies to discuss options for improving the legal framework and the practice of executing court decisions and other executive documents, yielding several concrete proposals.

Another key activity for the JP is the preparation for two comprehensive diagnostic assessments that will be conducted within Components 2 and 3. In February, under Component 3 (to “Strengthen Justice Sector Actors to combat corruption and uphold the public integrity”), the JP published a tender for a “Diagnostic Assessment on Sources of Corruption in the Justice Chain.” The procurement process has been completed and Transparency International (TI) with its partner Prism Research was selected as the most qualified bidder. TI, under a subcontract with the JP, is now in the process of selecting the expert team to conduct the Assessment. Component 2 staff developed Scopes of Work (SOWs) for all five experts for the Diagnostic Assessment, selected all experts, and plans to have them under contract by April 2015 or early in the third quarter.

During the reporting period, the JP engaged three consultants, two working within the PPP framework (Component 1) and one working on assessing the training needs of judicial staff in terms of combating corruption and economic crime (Component 2). The JP team held a one-day team planning session on March 11 to discuss changes to the M&E Plan, the status of activities to date, and overall operational issues. The JP also produced a beta version of its website, which is currently under review for approval by the USAID Mission. It is expected that the website will be approved and launched in April. In January and February, the JP gave a presentation of its activities and plans to the USAID Mission staff and subsequently to US Embassy staff and the newly appointed US Ambassador to BiH, Ms. Maureen Cormack. The information presented included the JP's overall objectives across the five years of the Project with a focus on Year 1 activities.

ONGOING PROGRAM OPERATIONS

COORDINATION OF DONOR RESOURCES

The JP held several meetings with members of the donor community in order to coordinate and streamline donor activities to build the capacity of justice sector institutions. The JP communicated its planned activities for Year 1 with the European Union Special Representative (EUSR) office in Sarajevo with the aim of coordinating these activities with the EUSR's draft list of rule of law measures, which are currently under consideration by the European Union (EU) in Brussels. Once approved, the measures will represent the work plan of the authorities of BiH, including relevant institutions, to advance the country on its path towards EU integration in the coming months. The main areas where measures will be taken are the Judiciary, Law Enforcement, and Home Affairs. Within these areas, the following JP activities will be of importance: working with the Office of Disciplinary Counsel (ODC); improving the integrity of the judiciary; assessing the performance appraisal, appointment, and career advancement process; inter-agency cooperation; and seizure of assets. In addition, both the JP and the EUSR will be closely monitoring the development and impact

of the set of anti-corruption laws adopted in the Federation of BiH (FBiH). The aim is to meet once again after the EUSR list of measures is finally endorsed by Brussels to ensure mutual coordination.

In the second quarter, Component I staff spent a considerable amount of time coordinating with the Swiss Development Corporation (SDC) project, *Strengthening the Capacity of Prosecutors in the Criminal Justice System in BiH*. Due to the sizeable overlap between the activities of the JP and the SDC, cooperation between the two projects is of paramount importance to the success of the JP's Component I effort. As a result, Component I staff held four consultative meetings with the Project Manager of the SDC during the reporting period. These meetings were useful in establishing a close working relationship with the SDC from the outset. The coordination strategy has achieved the following goals:

- The development of a methodology for analyzing the resources and time spent in court hearings outside the seats of POs, pursuant to the agreement with the HJPC SC (Activity 1.2.1 of the WP).
- Agreement for long-term coordination with the SDC in the field of public relations, which includes cooperation in the development of a curriculum and training program for public relations officers in the POs. The JP will share the findings of the assessments of PPP POs' public information procedures and practices with the SDC, and the SDC will work with the JP Public Information Expert in the development of the training program (Activity 1.4.1 of the WP.) The JP will present its activities at the SDC's conference of PO spokespersons, scheduled for April (Activity 1.1.7 of the WP).

SPECIAL ACTIVITIES

All special activities undertaken in the reporting period were designed to support activities defined by the WP (for example, the PPP under Activity 1.1.6 in the WP). Component I staff and the Chief of Party (COP) were engaged in supporting the establishment of the Special Department of the Federal Prosecutor Office (SDFPO) of the FBiH. For that purpose, a meeting was arranged for April 2015 between the State Attorney of Chief Prosecutor of the Republic of Croatia Dinko Cvitan and his team in Zagreb, JP staff, the USAID Mission representative, and Chief Prosecutors of the FBiH, and the Special PO of the Republic of Srpska (RS). The goal is to present the JP to Croatian colleagues and gauge their interest in participating in the capacity-building process for the POs in BiH, including the new SDFPO of the FBiH.

Also under Component I, the JP initiated planning of the educational study visit for members of the HJPC SC to the Crown Prosecution Service in the United Kingdom (UK). This was done through UK Embassy contacts in Sarajevo and in agreement with the SDC. The study tour will be designed to provide capacity-building to SC members in the following areas: planning and organization of prosecutorial work, supervision and evaluation of the work of prosecutors, and public relations and outreach. It was agreed with the members of the HJPC SC that the visit will take place in the last week of August 2015. This special activity will contribute to the strengthening of the policy-level coordination mechanism with the SC of the HJPC (under Activity 1.1.2 in the WP).

In order to mark USAID's month of women's empowerment, the JP organized a roundtable on March 27 in cooperation with the Association of Women Judges in BiH (AWJ) on the "Effects of Corruption and Unethical Behavior on Women as a Marginalized Group." The event attracted attention from the media and key actors in the fight against corruption and yielded a number of recommendations for further action that can be followed up by relevant actors in the judiciary and

beyond. The roundtable also contributed to the implementation of Activity 3.4.2 under Component 3 in the WP by reviewing judicial ethical standards with regard to new challenges and concerns.

MONITORING AND EVALUATION

In the second quarter, substantial activities were undertaken to put mechanisms in place to effectively monitor and evaluate the performance of the JP. The newly selected M&E Director conducted 19 internal project workshops with each JP Component team to clearly define the process of monitoring the achievement of expected results of the Project. As a result, the Draft M&E Plan was modified and now consists of 25 performance indicators. Performance Indicator Reference Sheets have been developed for each performance indicator. Two additional monitoring and evaluation tools have also been introduced. These tools are the Prosecutors' Offices Capacity Matrix (POCM) and the Courts' Enforcement Efficiency Capacity Matrix (CEEEM). The POCM is a protocol that measures the performance and improvements of POs achieved through the technical assistance provided by the JP. It has been developed to provide a realistic, objective evaluation of the improvements of POs in BiH throughout the life of the Project. The CEEEM is a protocol that measures the performance and improvements of the courts in the enforcement of judgments and related activities supported by the JP.

The updated Draft Justice Project M&E Plan was submitted to USAID for review and approval. M&E efforts in this quarter were directed towards assistance in the modification of the USAID BiH Log frame for Intermediate Result (IR) 1.1 (more effective judicial, executive and legislative branches of government) in part of sub-IR 1.1.1 (more effective, independent and accountable justice sector). New performance indicators were suggested that will enable USAID BiH to enhance its capacity to monitor developments in the BiH justice sector. The JP also established cooperation with the USAID MEASURE BiH Project in the development of the SOW for the Judicial Effectiveness Index (JEI), where the JP provided comments that substantially contributed to the quality of the Index. M&E activities in the next quarter will focus on the preparation and implementation of baseline surveys.

COMPONENT 1: IMPROVE THE PROFESSIONAL STATUS AND PERFORMANCE OF PROSECUTORS

The key objective of Component 1 is to concentrate efforts on improving the performance and status of all 19 POs in BiH during the life of the project. Prosecutors experience a number of difficulties that impair their ability to plan for and perform prosecutorial functions effectively. The result is a substandard conviction rate, particularly in cases of corruption and economic crime. The implementation of higher quality standards in conducting investigations and prosecutions of complex criminal cases of economic crime and corruption is needed. In order to effectively tackle these obstacles, the JP, under Component 1, will assist the POs in enhancing their capacity to uncover, investigate, and prosecute serious and high profile criminal cases of corruption and economic crime, and to successfully present and preserve evidence that will secure legally binding convictions in court. The Project aims to strengthen the management, organizational, and investigative capability of all 19 POs, including the Special Prosecutor's for Organized Crime and Corruption of the RS and the Special Department of the Federal PO under development in the FBiH.

The Year 1 WP institutes a five-year partnership program with all POs in BiH (the PPP) as its primary tool in achieving the following strategic objectives:

1. Strengthening organizational leadership, planning, and the performance of prosecutors
2. More efficient performance of prosecutorial functions through a balanced allocation of resources that effectively meet organizational needs
3. Enhancing public trust and integrity by giving due attention to the prosecution of crimes committed by public officials
4. Enhancing the transparency and responsiveness of prosecutors by providing appropriate and accurate information to citizens
5. Improving the status of prosecutors through a performance appraisal process, merit-based career advancement system, and/or incentivized opportunities to prosecute priority criminal cases.

The PPP, as a major undertaking of the JP under Component I, will be utilized to accomplish these five outcomes in 2015 and in subsequent years, as presented in the table below.

Component I Objective Strengthening Prosecution Status/Performance Illustrative Programmatic Impact	
Impact	Outcome
I.1 Strengthened organizational leadership, planning, and performance in prosecutor offices	19 prosecutor offices implement PPP; POs managed strategically, target crime threats, and incentivize performance
I.2 Prosecutors perform functions more efficiently through balanced allocation of resources	PO management allocates resources to fight corruption & serious crime; streamlined practices and program budgeting
I.3 Prosecutors uphold public trust and integrity through prosecution of corruption or other serious crime	Prosecutor teams for corruption cases formed; prosecutors and police conduct joint investigations; best practices manual promotes uniformity
I.4 Prosecutors provide appropriate and accurate information to citizens in order to strengthen transparency and responsiveness	PO public information guidelines are upgraded/implemented; POs track public information requests and issue annual reports
I.5 Prosecutor status improved through performance appraisal, merit-based career advancement, or other incentives to prosecute cases	Pursuant to the governing laws, HJPC adopts policies for appointment and career advancement based upon merit; HJPC/POs create incentives for prosecutors

COMPONENT I ACTIVITIES THIS QUARTER

Component I developed the Prosecutor Office Assessment Report, which included recommendations for the types and number of POs to be considered for participation in the PPP and the delivery of assistance under the PO Assistance Plan (POAP). The first four partner POs were selected to participate in the initial group of partner POs. Major achievements in this reporting period included the signing PPP frameworks with all four partner POs in February 2015. Subsequently, individual PO partner needs assessments were conducted as part of the process of creating individual POAPs. The assessments resulted in defining the specific areas of assistance

related to: 1) organizational management/performance in POs; 2) prosecuting crime; and 3) office transparency and public information/outreach.

Component I engaged two experts for financial and criminal investigations to assess PO management, organizational, and investigative capacity to effectively investigate and prosecute cases of corruption and economic crime. The experts started with the assessments in the POs in East Sarajevo and Tuzla, and provided advice to line prosecutors in planning and conducting criminal and financial investigations, as part of the PPP/POAP implementation.

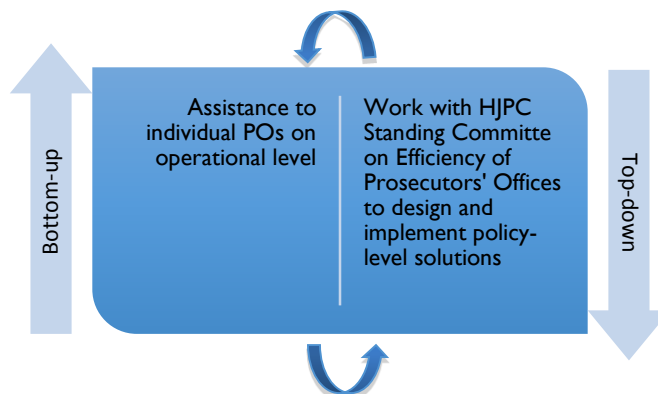
A policy-level coordination mechanism was established with the HJPC SC on the Efficiency of Prosecutor Offices in this quarter. In accordance with the WP, a working session with the HJPC SC was held on February 18, 2015, where the JP presented the results of the process for selecting initial partner POs. Significantly, the JP obtained a letter from the HJPC instructing all prosecutors and courts to actively cooperate and exchange information with the Project.

Outreach activities were continued in this reporting period, with Project visits conducted in the District PO in Banja Luka and the Cantonal POs in Sarajevo and Travnik. In coordination with the SDC, the JP developed a methodology for analyzing the time and resources used by prosecutors who have to travel to distant courts as a result of the 2003 reform, with recommendations for improving time management and enhancing cooperation and communication with the courts. Component I also initiated a review of existing manuals and best practices for Prosecutor-Guided Investigations (PGIs) and examined performance appraisal procedures being used in the partner POs.

Activity 1.1.1 – Soliciting Input from Key Counterparts on the Development of the Prosecutor Partnership Program (PPP) (Quarters 1 and 2)

Prosecutor Office Assessment Report

Under Component I, the JP developed the Prosecutor Office Assessment Report in January 2015. This document was created based on information and data collected in the initial site visits to the selected POs. The Report includes recommendations for the types and number of POs to be considered for participation in PPP and the delivery of assistance under the POAP. It also contains a list of POs to be selected for the initial group of partner POs and a description and sequence of the delivery of the PPP/POAP assistance with the initial recommendations of delivery modes. The Report emphasizes the two basic approaches in implementing PPPs and delivering technical assistance: 1) direct assistance will be delivered to individual POs, which will influence practices and solutions on the operational level, and 2) the basis for the sharing of information and knowledge on best practices learned through the PPP process with partner POs will be established. Both methods will be used to address systemic changes on the policy level, as illustrated below.



Selection and Signing of PPP with the First Four Partner POs in Year I

Specific criteria were used to identify and select the initial group of partner POs in Year I. They were divided into two main clusters:

1. **Criteria relating to caseloads and results in prosecuting cases per PO:** highest caseloads of corruption cases in pre-investigative and investigative phases; most favorable ratio of indictments filed for corruption cases in relation to total number of indictments; and the most favorable ratio of convictions secured for corruption cases in relation to total number of convictions.
2. **Additional criteria:** geographical distribution of POs; equal distribution between the RS and FBiH jurisdictions; equal number of District and Cantonal Prosecutor Offices; recommendations made by Chief Prosecutors of the Federal SDFPO; and results of PO cooperation in the implementation of the former USAID Justice Sector Development Project II.

The POs that met all of the above criteria were selected to participate in the partnership programs in the first year of implementation. These POs are: Cantonal POs in Zenica and Tuzla and District POs in East Sarajevo (Istočno Sarajevo) and Doboj.

A PPP framework document was prepared by the JP and signed by each of the four POs. These documents outline the main methods and areas of assistance the JP will provide to the POs (see further information under Activity 1.1.4). The PPP frameworks were officially signed by the JP COP and the Chief Prosecutors with the Cantonal PO of Zenica-Doboj Canton and the District PO of Eastern Sarajevo on February 23, with the Cantonal PO in Tuzla on February 24, and with the District PO of Doboj on February 25.

As a vehicle for the delivery of the PPP assistance, individual POAPs will be developed in Quarter 3 for each of the partner POs, and these POAPs will be used to plan and distribute assistance interventions in line with individual PO needs. Each POAP will cover three key segments: 1) organizational management/performance; 2) prosecuting crime/work on cases of economic crime and corruption; and 3) office transparency and public information/outreach.

Needs Assessment of Partner Prosecutor Offices to Inform the Development of Individual POAPs

In order to assist the process of developing well informed, individual POAPs, Component I staff developed a survey tool to assess the needs of individual partner POs. Survey activities included a number of on-site visits to individual POs where in-depth, structured interviews were conducted based on a standardized questionnaire developed by the JP. Data was collected from the HJPC and from individual POs to support this process. The surveys incorporated the following features relevant to the PO performance: prosecutorial organization and availability of human resources, budgetary issues, financial and technical resources, caseloads and case management issues, public relations, and public integrity issues. The findings of the surveys will provide a structure for the development and implementation of the individual POAPs. Based on the current results of the surveys, the JP identified the following key areas of POAP assistance to be provided in the period from April to September 2015.

1. Organizational Management/Performance

- In coordination with the HJPC, assisting in developing more effective communication with local ministries of justice and finance in the preparation of budget proposals for the POs, including assistance in providing a more comprehensive explanation of budgetary needs.
- Strengthening PO Secretaries' role and skills as part of PO management staff.
- Developing of an analysis of the use of time and resources spent outside of the headquarters of each PO with recommendations for improved time management, and enhancement of cooperation and communication with courts.¹
- Developing of an analysis of issues encountered by POs in the application of the existing criteria for performance appraisals of prosecutors, with recommendations to improve the performance appraisal process, particularly for those prosecutors working on corruption and complex economic crime cases.²

2. Prosecuting Crime

- Assisting in initiating and planning investigations by joint investigative teams of prosecutors and police in serious corruption and economic crime cases.
- Providing specialized training on the investigation and prosecution of high-level corruption and economic crime cases.
- Providing continued expert support to POs working on cases of corruption and high-level economic crime, particularly for POs that lack expert staff to work on complex cases.
- Analyzing the legal and policy issues in relation to the use of financial expert witnesses, including comparative analysis and developing recommendations.

3. Office Transparency and Public Information/Outreach³

- Providing training in public relations and information, particularly for those POs without a spokesperson, and specialized training in the application of freedom of information laws in POs.
- Developing recommendations for harmonized practices in public relations and information, as well as in web publication, and promoting a more proactive approach to public relations.
- Where needed, assisting in enhancing the procedures for registering and processing requests for public information, and harmonizing practices in that field.
- Where needed, assisting in enhancing the accessibility and quality of annual performance reports of the POs.

¹ See relevant part under Activity 1.2.1 of the Report.

² See relevant part under Activity 1.5.1 of the Report.

³ See relevant part under Activity 1.4.1 of the Report.

Based on the above findings, individual POAPs will be prepared for each PO. However, in order to preserve the momentum of support and interest in participating in the PPPs, the JP has already commenced implementation of activities that will be central to most future POAPs (e.g., engagement of short-term Criminal and Financial Investigation Experts). The information collected through the work of these experts will complement the parts of the POAPs that concern caseloads and case management features. Similarly, work has commenced on an analysis of the impact of the time spent by prosecutors outside the PO headquarters, and the results of this analysis will also be reflected in individual POAPs, as well as presented to the HJPC SC.

In accordance with Activity 1.1.5 of the WP, the Project plans to organize an orientation for the HJPC SC and the four partner POs in order to present the POAPs once they are developed. This presentation is planned to take place in May 2015. In addition to a direct link to Activity 1.1.1 of the WP, the survey of PO needs will also support the implementation of several other WP activities.⁴ The information collected through the survey will also be made part of the JP's M&E Plan.

Activity 1.1.2 – Establish PPP Coordination Mechanism with the Strategic Body (Quarters 2, 3, and 4)

The WP calls for the creation of a policy-level coordination mechanism with the Strategic Body of the HJPC. There are two key purposes of this coordination mechanism: 1) to provide oversight of PPP implementation in the POs, and 2) to support system-wide standards and reforms for the management of POs and the prosecution of corruption and serious crime cases. A further aim is to ensure counterpart consensus and understanding and the effective coordination of donor resources that target strengthening the POs. This coordination mechanism was successfully established in Quarter 2.

In January 2015, the JP prepared and submitted information to the HJPC SC relating to the JP's efforts to identify and select the appropriate PO partners for the PPP. The JP provided the SC with the criteria used for the identification and selection of partner POs (explained under Activity 1.1.1). In addition, information was provided on the types of capacity-building project interventions that will take place through the PPP.⁵ The HJPC SC was also informed that the JP regularly held meetings with other donors, in particular with the SDC and its project *Supporting Prosecutor Offices in BiH*, in order to ensure coordination and cooperation in implementing donor support to POs in BiH.

As a result of the framework established for cooperation and information sharing, the JP was asked to participate in a working session with the HJPC SC, which took place on February 18, 2015. The COP and Component 1 team leader presented the established criteria used to identify and select

⁴ 1.2 Prosecutors perform functions more efficiently through balanced allocation of resources

1.2.1 Assessment of work flow and business processes in prosecutors' offices

1.3 Prosecutors uphold public trust and integrity through prosecution of corruption or other serious crime

1.3.1 Development of a PGI Training Manual

1.3.2 Formation of joint investigative teams for the prosecution of corruption cases

1.4 Prosecutors provide appropriate and accurate information to citizens in order to strengthen transparency and responsiveness

1.5 Prosecutor status improved through performance appraisal, merit-based career advancement or incentives to prosecute cases.

⁵ These areas were previously referred to in this report and include: (1) organizational management/performance, (2) prosecuting corruption/serious economic crime cases, and (3) office transparency and public information/outreach.

POs to be included in the initial group. This working session served to firmly institute a policy-level coordination mechanism for PPP implementation between the POs and the HJPC SC, especially with regard to system-wide policy changes. The information gathered through the PPP will be used continuously to support systemic solutions by identifying common obstacles faced by POs in the areas of management, prosecution of criminal matters (especially corruption cases), and PO transparency and public outreach. Through the PPP, the JP will facilitate knowledge sharing between POs and the HJPC SC, in order to define improvements to system-wide policies and promote greater uniformity of practice within the entire national system. During the working session, the JP was officially invited to make regular presentations to the HJPC SC on the results and progress of the PPP/POAP implementation, as well as on findings and recommendations for policy solutions derived from the JP's technical assistance.

Activity 1.1.3 – Working Sessions on Initial Partner Prosecutor Selection Process (Quarter 2)

On February 18, 2015, the JP team organized a working session with HJPC leadership and the SC to discuss the selection of partner POs and the processes to be used for formalizing Project assistance. At this meeting, the JP presented the Cantonal POs in Zenica and Tuzla and the District POs in East Sarajevo and Doboј as the selected candidates to participate in the first group of the PPP. The HJPC SC was also informed that the JP had completed the development of the PPP frameworks, and that these framework documents will be signed by the Chief Prosecutors of the selected POs and the COP of the JP. The draft PPP framework document, which incorporates the findings and recommendations of the Prosecutor Office Assessment Report, was presented and discussed with the HJPC SC.

Activity 1.1.4 – Develop the PPP Framework and Prosecutor Office Assistance Plan (POAP) (Quarter 2)

The JP finalized the selection process for the POs that will participate in the partnership programs in the first year. The JP prepared a version of the draft PPP framework for each partner PO, which was submitted to the POs for revision and comments. In February 2015, the selection process was concluded with the acceptance and signing the draft PPP frameworks by all partner POs. The PPP framework documents define key areas and models of support to be provided to the POs within the partnership program, as well as the dynamics and timeframe of Project support. As reported above, the official signing by the JP COP and the Chief Prosecutors of the four POs took place during the month of February.

In order to guide the development of the POAPs that will guide PPP assistance in each PO, the JP has prepared in depth surveys of these PO needs. In Quarter 2, the JP completed several categories of the Needs Assessment relating to organizational management and performance and organizational transparency and public outreach. These categories are ready to be customized in the POAPs for each partner PO. The JP engaged two Criminal and Financial Investigation Experts to assess PO management and their organizational and investigative capacity to efficiently prosecute criminal cases in East Sarajevo and Tuzla. This will address categories of the POAP pertaining to casework on corruption and economic crime cases (see more under Activity 1.1.6 below). It is expected that the experts will finalize and submit their Assessments by the end of April 2015, and they will then be made part of the surveys of partner PO needs and incorporated in the customized POAPs for the POs in East Sarajevo and Tuzla. As for the partner POs in Doboј and Zenica, it is expected that the POAPs will be fully developed and operational in the second half of Quarter 3.

Activity 1.1.6 – Implement PPP in an Initial Group of Prosecutor Offices (beginning in Quarter 3)

The POAP anticipates using several prosecutor experts to strengthen PO management and line prosecution capacities, including training and advising managing line prosecutors on the investigation and prosecution of economic crime and anti-corruption trials. Under this Activity, the JP staff was to assist the first group of POs with the implementation of the customized POAPs for each selected office. The JP staff initiated this activity earlier than planned in order to advance the momentum created by the signing of the PPP frameworks. The JP received USAID approval for SOWs for two experts to assist with the initial phase of implementation of the POAPs in the partner POs. These included the Prosecution Management and Case Investigation Expert, the Prosecution Criminal Investigation Expert, and the Financial Investigation Expert. In Quarter 2, the JP engaged the Prosecution Criminal Investigation Expert and the Financial Investigation Expert. These experts started with the assessments of PO management and the organizational and investigative capacity to efficiently prosecute criminal cases in East Sarajevo and Tuzla, and they provided assistance in the initial PPP implementation in Quarter 2. These experts conducted an in-depth analysis and provided concrete advice to prosecutors regarding investigative work on specific criminal cases.

The assistance of these experts is one of the more important features of the POAP because the experts will take on an advisory role that will extend into a more direct mentoring role once they gain a more thorough understanding of the issues stemming from the casework done by line prosecutors. The insights gained by the experts will also form the basis for recommendations that will be developed upon the completion of their assignment. The experts engaged in implementing the PPP will help improve PO performance with an emphasis on management, effective prosecution of corruption and abuse of public office cases, and public outreach. The experts will also facilitate sharing best practices developed in the POs and support possible system-wide reforms over the life of the Project.

The JP also made preparations for an introductory meeting with the State Attorney's Office of the Republic of Croatia, which will take place on April 2, 2015. The JP submitted a letter to the State Attorney's Office, which introduced the JP Scope of Work and extended an invitation to discuss potential cooperation and exchange of expertise between the JP and the Office for the Prevention of Corruption and Organized Crime of the Republic of Croatia (USKOK) in investigating and prosecuting cases of organized crime, economic crime, and corruption.

Activity 1.1.7 – Design and Implement Outreach Activities Directed at All Prosecutor Offices in BiH (Quarter 4)

This activity involves JP visits to all 19 POs as a key outreach activity to introduce the JP and the scope of the PPP. In Quarter 2, the JP continued with visits to the District PO in Banja Luka and the Cantonal POs in Sarajevo and Travnik, where the COP and Component I team leader met with Chief Prosecutors. The purpose of the visits was to introduce the JP, gather information, and conduct consultations. The basic outline and elements of the Project were presented, along with the philosophy of the PPP. The POs were informed that the JP, with the full backing of the HJPC, planned to enter into partnership programs with all POs in BiH, with the aim of enhancing their performance and improving the prosecution of corruption and other serious cases involving abuse of public office.

To date, all POs have expressed their interest to participate in the PPP/POAP implementation. The POs have identified major constraints on their effectiveness including the lack of funds, especially for

the costs of employing financial expert witnesses, and the lack of expert support in general (e.g., legal associates, lawyers, and expert advisers such as economists and investigators). More specifically, the Cantonal PO in Sarajevo lacks 20 prosecutors in positions that are provided for in their systematization plans but have never been appointed by the HJPC, primarily due to budgetary constraints. This PO also faces a huge backlog of unresolved criminal reports and investigations, with a significant number of unresolved cases of economic crime and corruption.

Activity 1.2.1 – Assessment of Workflow and Business Processes in Prosecutor Offices (Quarter 3)

This activity anticipates that the JP will conduct an assessment of the business workflow in POs to identify procedural improvements that will lead to greater efficiency in the handling of cases. As previously discussed in this quarterly report, one of the issues identified in the *Prosecutor Office Assessment* was time management in the POs. In particular, it concerns the amount of time spent by cantonal and district prosecutors attending obligatory court hearings outside the headquarters of the PO where they work. This problem developed on the heels of the 2003 judicial reform, which merged all basic and municipal POs at the district and cantonal level and combined their physical deployment in the administrative offices of District and Cantonal POs. However, the offices of municipal and basic courts remain in the same local administrative centers, which requires prosecutors to frequently travel outside the PO headquarters in order to attend court hearings.⁶ According to the information provided by the POs, this travel requirement creates inefficiencies because it limits the time available to carry out investigations. Additionally, the existing criteria for evaluating the performance of prosecutors only measures the number of prosecutorial decisions issued in the investigative phase of criminal proceedings. The credit given to those who travel frequently is reported by some to have a negative impact on the motivation of prosecutors. The magnitude of this problem was recognized in the *Strategic Plan of the HJPC (2014–2018)*, which noted that there was a need to develop an analysis of the existing prosecutorial time allocation and make recommendations to enhance efficiency.

Given the expressed interest of the HJPC to resolve this issue, it was decided that an analysis would be conducted in cooperation with the SDC. A methodology for the collection of data has already been developed and agreed to with the SDC in Quarter 2, and a jointly developed questionnaire will be sent to all POs during the second half of April 2015. The SDC will share all data collected from the questionnaires and obtained directly from the prosecutor case management system with the JP. For the purposes of enhancing the management of resources and cases in the partner POs, the JP's analysis will also attempt to objectively approximate the time that has been lost from working outside the PO headquarters and to pinpoint the reasons for these losses, as well as determine the negative impact of the travel requirement policy. Once the analysis is completed, the JP will propose a series of solutions for the partner POs that will minimize time losses and enhance the effectiveness and efficiency of casework in the short term. The analysis from the partner POs will also identify potential long-term measures and solutions that will complement the policy-level analysis to be conducted by the SDC. The JP analysis and recommendations will be presented and agreed upon with the partner POs, as well as with the HJPC SC. The individual POAPs might include the agreed-upon short-term measures to improve organization and efficiency that will be applied in the PPP/POAP implementation.

⁶ Also some prosecutors travel to remote areas where there are no courts.

Activity 1.3.1 – Development of a Prosecutor-Guided Investigation (PGI) Training Manual (Quarters 2, 3, and 4)

The WP set forth that the Project will review existing manuals and best practices for PGIs being used in the partner POs in Quarter 2. The “Needs Assessment of Partner Prosecutor Offices,” as referred to under Activity 1.1.1 of this quarterly report, included a number of specific questions about the level of cooperation between the police and prosecutors and the utility of existing manuals and best practices. Preliminary assessments, which were conducted based on the surveys done in each of the partner POs in East Sarajevo and Tuzla, indicated that prosecutors have not developed a practice to form police-prosecutor joint investigative teams for investigating complex and serious cases of corruption and economic crime. Although our partner POs reported that the current level of cooperation between police and prosecutors during an investigation was generally assessed as satisfactory, they emphasized that frequent changes of police inspectors was a limiting factor in police/prosecutor cooperation and affected the continuity of investigations in these cases. Another limiting factor was the lack of police inspectors with specialized knowledge and skills to successfully uncover these crimes and collect strong evidence in their investigations.

Component I started with a comprehensive review of the use of existing manuals and practices for PGIs in the partner POs, including the review of existing training modules on investigating and prosecuting criminal cases developed and used by the Entity Judicial and Prosecutorial Training Centers. Based on the review, Lucid Linx, a Component I subcontractor, will prepare a catalogue of the existing resources for education on PGIs with recommendations on their utility and identified gaps. The assessments by the two Criminal and Financial Investigation Experts relating to PO practices in dealing with law enforcement agencies and establishing joint investigative teams will also supplement the JP's review of the PGI procedures and their application in the partner POs. The assessment of PGI manuals and practices is planned to be completed by the end of April 2015.

Information collected through the preliminary assessments of PGIs was also used to start developing the draft SOW for the two PGI Experts, one national and one international, who will assist the JP in enhancing the capacity of POs (as referred to in Activities 1.3.1 and 1.3.2 of the WP). Potential tasks for the international PGI Expert include the preparation of training plans on cooperation with law enforcement agencies and the establishment of joint investigative teams for prosecutors and expert staff. In addition, the International PGI Expert will assist in delivering trainings, drafting standardized criminal and financial investigation plans, drafting guidelines for police, and developing strategies for prosecuting and presenting cases in court. The national PGI Expert will develop a strategy paper for engaging law enforcement in forming joint prosecutor-police investigation teams for economic crime and corruption cases, drafting standardized criminal and financial investigation plans and manuals for the partner POs, and holding consultations on PGIs. The JP will complete a revision of the draft SOWs for the two PGI Experts in Quarter 3 and initiate proceedings for engagement of suitable candidates for these assignments.

Activity 1.4.1 – Assessment of PPP Prosecutor Office Public Information Procedures and Practices (Quarters 2 and 3)

The Project conducted interviews with all relevant personnel in the POs in charge of public information and outreach activities. This was done to assess the partner POs' public information capacity using a set of standard questions covering key areas, including: staffing and institutional conditions; current practices with regard to public relations and communication; existing skills and training needs; and a review of statistical data on the implementation of the Freedom of Information Act. An initial assessment of the current public information procedures and practices identified the

main areas where JP assistance will help strengthen and improve reporting to the public. The following list of findings and resource needs will be used to inform and support a more detailed written assessment to be produced by a Public Information Expert:

- An apparent lack of clarity exists with respect to the procedures for applying the Freedom of Information Act in the specific context of PO work (e.g., the need to balance the public's right to know with the PO's need to protect the interests of the investigation, as well its need to protect personal data) and needs to be addressed.
- Skills of non-professional spokespersons to prepare and give media statements, especially in front of a camera, need to be enhanced.
- Support is needed to develop institutional Public Relations/Communication Strategies and/or Crisis Communication Strategies, which either do not exist in the partner POs or are not adequately used in practice.
- A more proactive approach to public relations is needed in the POs. Chief Prosecutors and line prosecutors could be made more aware of the importance of proactive reporting on their work. The Cantonal PO in Tuzla's procedures can be used as an example of best practices.
- Joint meetings and/or trainings with media representatives should be promoted in order to improve the POs' understanding of reporting on prosecutorial work, and improve their ability to recognize the types of information that can be disseminated to the public without compromising the investigation or violating personal privacy.
- The practice of using the *HJPC Guidelines on Publishing Decisions on Official Websites of Courts and Prosecutor Offices* should be harmonized and its proper understanding and use needs to be promoted.

Based on these findings and the WP, the drafting of a detailed Scope of Work was started in Quarter 2 for a Public Information Expert who will begin work in Quarter 3. The expert will build on the research and assessment work already carried out by the JP staff, and he or she will prepare a written assessment and recommendations to improve the capacity of the POs to provide the public with accurate and timely information in accordance with best practices. The expert will also provide individual recommendations to each of the POs, as well as any necessary technical assistance and training that is needed.

Activity 1.5.1 – Assessment of Performance Evaluation in Prosecutor Offices (Quarters 2 and 3)

The JP, through the PPP and in line with the WP, will examine performance appraisal procedures and outcomes in the partner POs. The WP also anticipates providing POs with the appropriate human resources or performance appraisal expert(s) to analyze individual office practices and criteria and recommend improvements in each partner PO. The *Needs Assessment of Partner Prosecutor Offices* contained a number of specific questions aimed at gathering information on prosecutor performance. Preliminary assessments in the partner POs indicated that POs rarely apply a provision of the *HJPC Book of Rules on Orientation Measures for the Work of Prosecutors (Book of Rules)*, that allows the Chief Prosecutor to assign a greater value or weight to complex cases. Thus an economic crime or corruption case is treated the same as a case for a minor offense. This practice discourages prosecutors from taking on more complex cases when performance is being measured by the volume of cases a prosecutor completes.

In May 2014, the HJPC SC invited the POs to submit their comments and suggestions for improving the Book of Rules. The partner PO in East Sarajevo suggested in its comments to the JP that the ratio for the specific elements of total performance appraisal can be amended to reduce the percentage of quantity and increase percentage of work ethic criteria to be represented in the final evaluation for prosecutors. The PO's main comments on the Book of Rules focused on the fact that it limits the appraisal factors to statistics (quantity of cases) and does not take into account other factors such as work ethic and the difficulty of the cases handled. According to the PO in East Sarajevo, the Chief Prosecutors are the most competent persons to evaluate the work ethic of line prosecutors in the POs, and thus their scope in the performance appraisal processes should be enhanced. The revision process of the *Book of Rules* is still ongoing, and it is expected the HJPC SC will finalize the revision by the end of 2015.

The JP initiated the drafting of a Scope of Work for a Prosecutor Performance Appraisal Expert in Quarter 2, as specified in Activity 1.5.1 of the WP. This expert will be engaged to analyze the practices and criteria used to evaluate the work done by a prosecutor on complex cases in the partner POs, and they will prepare a written assessment with recommendations for improvement in each PO. The purpose of this assessment is to link evaluation criteria to office performance standards for prosecutors and to propose new qualitative criteria, subject to coordination with the HJPC SC. The analysis will specifically emphasize a review of the existing legal framework for evaluating prosecutor performance in comparison with internationally recognized quantitative and qualitative prosecutor performance standards that increase incentives for prosecutors to work on complex cases. The expert will also assess the current practices for evaluating prosecutor performance in complex cases of economic crimes and corruption in the partner POs. The expert will identify deficiencies in the legal framework and individual office practices, and they will recommend improvements that will introduce new criteria for evaluating the performance of line prosecutors in complex cases of economic crime and corruption in the partner POs, among other recommendations. It is planned that the JP will complete the draft Scope of Work for the Prosecutor Performance Appraisal Expert in Quarter 3 and will then initiate proceedings to engage a suitable candidate.

COMPONENT I ACTIVITIES ANTICIPATED AND IN PREPARATION FOR THE NEXT QUARTER

The Project plans to engage in the following activities in Quarter 3.

Activity 1.1.4 – Develop PPP and Prosecutor Office Assistance Plan (POAP)

- In relation to the part of this activity relating to POAPs, which is to be concluded in Quarter 3, the Criminal and Financial Investigation Experts will finalize their assessments relating to prosecuting corruption and economic crime cases, and these assessments will be incorporated in the surveys of partner PO needs and subsequently feed into the POAPs.
- The Project will finish developing the customized POAPs for all four partner POs on the basis of the findings of surveys of partner PO needs, which will be shared and considered with the partner POs.

Activity 1.1.5 – Orientation Presentation

- The Project will deliver a presentation of the developed POAPs to the HJPC, the HJPC SC, and the POs selected to participate in the first group of the PPP in May 2015. The presentation will focus on implementation of the POAP in each partner PO.

Activity 1.1.6 – Implement PPP in an Initial Group of Prosecutor Offices

- A meeting with the State Attorney's Office of the Republic of Croatia will take place to explore modalities of cooperation and the exchange of knowledge and practices in investigating and prosecuting cases of corruption and organized crime between the Project and USKOK. Depending on the availability of personnel from Croatia, the JP may engage short-term experts from USKOK with specialized knowledge and experience in investigating and prosecuting high-level corruption cases to provide training to line prosecutors in the partner POs.
- The Project aims to engage the Prosecution Management and Case Investigation Expert to assist the Project in the implementation of the POAP in the selected partner POs, in particular to assist in improving the management capacity of POs so they can organize their work in a manner that will ensure effective investigation and prosecution of economic crime and corruption cases.

Activity 1.1.7 – Design and Implement Outreach Activities Directed at All Prosecutor Offices in BiH

- The JP will participate in a conference in Mostar on April 21–22, 2015, in which spokespersons from all POs in BiH will also participate. At the conference, the JP will present an overview of the Project as part of its outreach and communication activities, and will emphasize efforts being made to improve public information and transparency in POs in particular.
- The Project will also continue with visits to the following POs: Cantonal POs in Mostar, Široki Brijeg and Orašje and District POs in Trebinje, Bijeljina, and Brčko.
- Component I will also deliver a presentation about JP objectives at the annual conference of Chief Prosecutors scheduled to take place in May 2015.

Activities 1.3.1 and 1.3.2 – The Development of a Prosecutor-Guided Investigation (PGI) Training Manual and the Formation of Joint Investigative Teams for the Prosecution of Corruption Cases

- In the third quarter, a detailed review of existing manuals and practices for PGIs will be completed to determine the utility of these manuals, to identify gaps, and to facilitate the expert technical assistance to follow.
- The draft SOWs for the PGI Experts will be fully developed, and a procedure for engagement of suitable candidates for these assignments will be initiated and completed.

Activity 1.2.1 – Assessment of Workflow and Business Processes in Prosecutor Offices

- In cooperation with the SDC, the Project will begin with the analysis of investigative resources and time spent outside the headquarters of the POs. Per the agreed-upon methodology for data collection, a joint questionnaire will be sent to all POs during the second half of April 2015.

Activity 1.4.1 – Assessment of PPP Prosecutor Offices' Public Information Procedures and Practices

- The process of composing and revising the draft SOW for a Public Information Expert will be completed.
- An expert will be engaged to prepare a written assessment that will contain best practices and resources needed to achieve those best practices, to provide recommendations to the partner POs, and to provide necessary technical assistance, including training of PO staff.

Activity 1.5.1 – Assessment of Performance Evaluation in Prosecutor Offices

- The process of drafting and revising of the draft SOW for a Prosecutor Performance Appraisal Expert will be completed, and the process to engage a suitable candidate for this assignment will be initiated.

Activity 1.5.2 – Strengthening the HJPC Appointment and Career Advancement

- A comparative analysis of best practices in prosecutor appraisal and advancement, with special emphasis on organized crime and corruption cases, will be initiated.

Special Activity – Prosecution System Management and Policy Making

- The Project will continue with preparations of the study tour for members of the HJPC SC to the Crown Prosecution Service in the UK, which is scheduled to take place in the last week of August 2015.

COMPONENT 2: IMPROVING EFFICIENCIES IN THE ENFORCEMENT OF JUDGMENTS

Over the life of the Project, Component 2 Project staff will work with the courts to improve procedures and practices that will increase their efficiency. At the same time, the Project will engage key stakeholders to analyze how judgments are enforced and to build broad consensus for revising laws and creating a more effective system for enforcing judgments that protects creditor rights and property interests. Under Component 2, the Project will conduct diagnostic studies to assess the current system for the enforcement of judgments. The diagnostic assessment findings and recommendations will be used to initiate a consensus-building process involving stakeholders to improve the existing system and to arrive at policy-level solutions and introduce a new enforcement system. This new system will have streamlined procedures and will provide holistic solutions to reduce the massive enforcement case backlog, and it will also include proposals for alternative enforcement mechanisms and a system of asset forfeiture and control.

The outcomes listed in the table below will guide the JP's activities for improving efficiencies in the enforcement of civil judgments.

Component 2 Objective Improving Efficiencies in the Enforcement of Judgments Illustrative Programmatic Impact		
Impact	Year 1 – 3 Outcome	Year 4 – 5 Outcome
2.1 Streamlined procedures are implemented for enforcing judgments and reducing backlog	Diagnostic assessments completed; consensus-building begins; Working Group drafts laws; streamlined procedures piloted	Consensus-building continues; legislative framework drafted; ongoing policy informed by diagnostics
2.2 Capacities of court enforcement agents are improved through training, staffing, evaluation, oversight, and management	Manual on enforcement best practices completed; training expanded to all first instance courts	Roll-out of training for courts on enforcement best practices (using manual)
2.3 Framework is enacted for licensing, monitoring, control, and assignment of alternative enforcement agents	Diagnostic assessments inform drafting of new legislative framework; new system is piloted (if new laws are enacted)	Alternative enforcement agents system implemented in phases; sustainability plans developed
2.4 Courts are equipped with a system and means to secure and control assets	See 2.1 and 2.2	See 2.1 and 2.2

COMPONENT 2 ACTIVITIES THIS QUARTER

During Quarter 2, Component 2 activities focused on further preparations for the Diagnostic Assessment, which will be the basis for future Component 2 activities throughout Year 1 and subsequent years. The completion of the Diagnostic Assessment has been postponed while the required experts were identified, reviewed, and approved. In the meantime, Component 2 staff provided direct advice and undertook action to implement the Year 1 WP. Component 2 therefore expects that all activities envisaged in Year 1 WP will be implemented, with slight adjustment in the timing of certain activities.

During Quarter 2, Component 2 staff finalized Scopes of Work for a team of five experts in preparation for the expert work on Diagnostic Assessment (Activity 2.1.1). The experts were subsequently selected and are expected to be under contract in Quarter 3. Furthermore, Component 2 started developing an *Overview of Findings and Recommendations on Enforcement*, a document intended to identify all the shortcomings of the enforcement process and provide ideas for improvements, as noted by our partners. Additionally, Component 2 drafted an *Analysis of Legal Framework for Securing and Controlling Debtor's Assets* that will be built into the relevant chapter on diagnostic assessment (under Activity 2.4.1 and part of Activity 2.1.1). A series of meetings with key stakeholders have been held to expand the forums for building consensus on necessary improvements in the system of enforcement. A roundtable discussion on options and the direction to be taken for system's advancement was held in Sarajevo. The roundtable received a positive response from most participants. Cooperation in the implementation of future project activities has been secured in all regions of the country (Activity 2.1.2), as planned in the WP. Finally, a partnership has been established with the Association of Court Bailiffs of BiH who were brought on board to work with the Project on activities related to training needs, staffing procedures, evaluation, oversight, and management of court bailiffs (Activity 2.2.1).

Activity 2.1.1 – Conduct In-Depth Diagnostic Assessment (Quarters 1 and 2)

The most qualified experts to conduct this study were identified in the second quarter and will begin work early in April and continue until June 2015, which is the end of Quarter 3. The Project

will focus on completing and delivering the Diagnostic Assessment by Quarter 4 so that it is delivered within Year 1 as planned in the WP. The team of experts will consist of three international and two national experts.

Component 2 maintained its activities at a high operational level in order to prepare the background documentation and data needed for the Diagnostic Assessment. To that end, Component 2 staff drafted of an *Overview of Findings and Recommendations on Enforcement Document*, containing all the information obtained in the consensus-building process that has taken place throughout BiH (see Activity 2.1.2). This is a comprehensive document outlining all key areas related to the enforcement of judgments, and it will be a useful tool for the Diagnostic Assessment to reduce the time experts will need to invest in fact-finding meetings. Component 2 staff have also completed the *Analysis of the Legal Framework for Securing and Controlling Debtor's Assets*, originally planned to be completed within the Diagnostic Assessment, and which is a separate activity under the WP (Activity 2.4.1). This analysis will be forwarded to the expert team for their additional input and preparations prior to their arrival in BiH.

Activity 2.1.2 – Conduct Consensus-Building Forums for Stakeholders Discussion (Quarters 1 and 2)

The JP staff organized a roundtable for a group of stakeholders to build consensus and contribute to the analysis of the enforcement system. The activity was designed and conducted to facilitate productive expert interventions and to prepare the ground for upcoming activities in Quarter 3 and Quarter 4. This activity will be on-going throughout Year 1, which is logical as partnerships need to be built and maintained continuously in order to complete the long-term activities of the Project. As planned under Component 2, the JP conducted introductory consensus-building meetings throughout BiH. It reaffirmed its cooperation with the HJPC Secretariat and successfully linked to the *Improving Judicial Efficiency Project* within the HJPC in order to work together on the improvement of the legal and practical framework for enforcement. The Project established cooperation with representatives of the Judicial Commission and Basic Court of Brcko District where a progressive legal framework on enforcement has been adopted. They agreed to share their experience with the JP and the experts and to actively participate in JP activities, when needed.

Productive meetings were held with representatives of the Municipal Court in Tuzla and the Basic Court in Bijeljina, which gave the Project the opportunity to gather necessary input for the completion of the Diagnostic Assessment. Building up partnerships with interested stakeholders continued, and Component 2 staff brought the court presidents of the Municipal Courts in Mostar, Travnik, and Bugojno together into a group to discuss the most important topics related to enforcement procedures. By doing so, the JP secured the regional representation of the courts from different jurisdictions to participate in future JP activities. All the court presidents agreed to fully cooperate with the JP. In this quarter, the JP also established contact with the BiH Association of Court Bailiffs (ACB). The ACB briefed the JP on the ACB's mission, future training needs, labor and employment issues, proposals regarding the future organization of the enforcement system, and their readiness to be included into the JP's activities. As ACB is included as a target group in the EU-financed Project *Capacity Building for Judicial Reform in BiH*, the next steps in cooperation with the ACB will be coordinated with that project.

A roundtable on enforcement was held on February 26, 2015, in Sarajevo, as anticipated in the WP. It was co-hosted with the Municipal Court in Sarajevo and moderated by the court president. Almost 40 participants from the Sarajevo region were gathered, including HJPC representatives,

court presidents, judges and court bailiffs from both the FBiH and RS, banks, business associations, State, Federation, and Cantonal ministries of justice, Bar and Notary Associations, and other legal professionals.

The roundtable identified the central issues that create backlogs of enforcement cases and time spent analyzing proposed solutions. Despite the sometimes varied and conflicting interests of the representatives present, the group came to the conclusion that the Law on Enforcement Procedure is too long and complicated and provides openings for abuse and unnecessary delays. All the participants agreed that so called “utility cases” created specific problems within the court system and needed special attention. The group concluded that these “utility cases,” due to their number (1.7 million, of which 800,000 are in the Municipal Court of Sarajevo) and the manner in which they were handled as low value individual claims, created the false perception of a large case backlog of standard enforcement cases. The participants discussed potential options for reforming the system either by introducing an agency for enforcement or a private enforcement system. Although participants were divided in their opinions, they agreed that comparative studies are necessary for the appropriate assessment as to which system will be more effective in BiH. Component 2 staff actively participated in drafting and finalizing the conclusions from this roundtable.⁷

Based on the interest expressed by the Ministry of Justice (MOJ) of BiH and the HJPC, the JP attended a meeting at the BiH MOJ on March 10, 2015. This meeting discussed the potential improvements to the enforcement procedure and assistance in helping to form competent working groups relevant to the creation of key policy proposals towards the end of Year 1 and beginning of Year 2. It has been agreed that JP staff will approach some of the local experts and discuss their availability to be included in the creation of policy proposals after the Diagnostic Assessment is completed.

Activity 2.2.1 – Analyze Workflow and Propose Streamlined Procedures in Pilot Courts (Quarters 3 and 4)

This activity is partly linked to the completion of Diagnostic Assessment in which the workflow within selected courts will be analyzed and a pilot program will be designed to propose streamlined procedures related to better M&E, the introduction of the code of ethics for court bailiffs, and expediting the enforcement of judgments. Another part of this activity is linked to Activity 2.4.3, which covers the start of designing pilot programs for testing improved practices in courts together with the pilot program designed for improved seizure and securing of debtors’ assets. The preparatory work for successful and timely completion of this activity has already been done, particularly since Component 2 established a partnership with the ACB of BiH and collected information related to training needs, staffing procedures, evaluation, oversight, and management of court bailiffs. This information will be included in the *Overview of Findings and Recommendations on Enforcement*, as described above, and will be forwarded to the JP team of experts to help them prepare for the Diagnostic Assessment. The ACB forwarded the JP a draft Code of Ethics for court bailiffs, draft rules of professional behavior on site, and a proposal for a program of education, which will also be provided to the JP team of experts.

⁷ Additional info on the roundtable can be found at <http://www.oss.ba/?jezik=bos&n=697>.

Activity 2.2.3 – Hold Roundtables in Each Jurisdiction (Quarters 3 and 4)

Although the WP planned the implementation of this activity in Quarters 3 and 4, the JP organized a very successful roundtable in February under the Activity 2.1.2. This has secured the participation and support of all relevant stakeholders for the announced future activities. Therefore, the JP considers Activity 2.2.3 to be ahead of schedule and partly implemented since the roundtable organized under Activity 2.1.2 also set the stage for direct follow up and evaluation of the implementation of the pilot program and active roles were given to stakeholders (which is the goal of Activity 2.2.3), thus increasing their interest in participating and contributing to full implementation of pilot program in their jurisdictions.

During Year 1, Component 2 staff will organize at least one more regional roundtable with participation of a variety of stakeholders to secure the presence of legal professionals with diverse viewpoints on issues of enforcement procedure. We will also continue to hold one-on-one working meetings with selected courts in each jurisdiction. This approach will help us increase cooperation from stakeholders related to the Diagnostic Assessment. It will assist the JP to draft sections of the Diagnostic Assessment related to the training needs of court bailiffs and to pilot best practices and innovative solutions. It will also enable the Project to tailor the M&E Plan to respond to the needs of court bailiffs and others involved.

Activity 2.4.1 – Conduct Diagnostic Assessment (Examine FBiH and RS Statutory Framework) (Quarters 1 and 2)

In the second quarter, Component 2 staff drafted an *Analysis of Legal Framework for Securing and Controlling Debtor's Assets*, which examines FBiH, RS, Brcko District, and state-level legislation dealing with debtors' assets. It also examines the state-level and Brcko District legislation. The analysis identifies the main obstacles to enforcing judgments in the current legal framework. It highlights how this current framework provides undue protection of information related to debtor's property and allows debtors to disguise their assets. The analysis provides suggested security measures which are available under the current laws on civil procedure that can be utilized to prevent the malevolent disposal of assets. Additionally, special entity legislation for the management of assets confiscated in connection with criminal procedure was analyzed and a set of solutions were put forth that can be included into the enforcement legal framework. The conclusions and recommendations of the analysis will become a part of the Diagnostic Assessment and will be helpful background materials for the Diagnostic Assessment.

COMPONENT 2 ACTIVITIES ANTICIPATED AND IN PREPARATION FOR THE NEXT QUARTER

The following Component 2 activities are planned for the third quarter.

Activity 2.1.1 – Conduct In-Depth Diagnostic Assessment (Quarters 1 and 2)

All experts conducting the Diagnostic Assessment in Component 2 will be under contract by the end of Quarter 3. The JP expert teams will be mobilized and deployed to conduct a Diagnostic Assessment in courts previously identified in cooperation with HJPC.

Activity 2.1.2 – Conduct Consensus-Building Forums for Stakeholder Discussion (Quarters 1 and 2)

Consensus-building forums for stakeholder discussions will be continued in the third quarter. A second roundtable with selected stakeholders will be conducted to discuss and exchange views and options for improvement of the system for enforcement of judgments.

Activity 2.1.3 – Form an Advisory Group for Policy (Quarter 3)

The JP informed Component 2 stakeholders that they will be included in the dissemination of documents and any issuance of requests for comments and proposals. The JP also gave notice that some stakeholders would be invited into the Advisory Group for Policy. An amendment will be made to adjust the timeline in the text of the WP and to indicate that the actual formation of the group will take place towards the end of Quarter 4, after the conference on the findings of the Diagnostic Assessment is held. It has been agreed with the BiH MOJ that JP staff will approach some of the local experts to discuss their inclusion in the development of policy proposals after the Diagnostic Assessment is completed.

Activity 2.2.1 – Analyze Workflow and Propose Streamlined Procedures in Pilot Courts (Quarters 3 and 4)

The JP expects this activity to be completed in Quarters 3 and 4. The Diagnostic Assessment will begin in Quarter 3, to be followed by the development/design of a pilot program in Quarter 4. The majority of work in this activity will be conducted in Year 2.

Activity 2.2.2 – Develop Manual with Improved Procedures for Expediting the Enforcement of Judgments (Quarters 3 and 4)

This activity depends on the results of the Diagnostic Assessment and will consequently be implemented only in Quarter 4, instead of in Quarters 3 and 4.

Activity 2.2.3 – Hold Roundtables in Each Jurisdiction (Quarters 3 and 4)

Organize a regional roundtable, which will secure the presence of legal professionals with different interests and different points of view on issues in enforcement procedure. The JP will also continue to hold one-on-one working meetings with selected courts in each jurisdiction.

Activity 2.3.1 – Create a Working Group to Draft Legislative Framework Changes (Quarter 3)

The JP will initiate meetings with entity-level MOJs to discuss potential models for the enforcement service in BiH. Subject to agreement with the MOJs, and in close cooperation with the HJPC, the JP will identify relevant stakeholders to be included in the Working Group for drafting a legislative framework for the establishment of the licensing body for alternative enforcement agents. The JP will offer all necessary expert assistance in line with the Work Plan.

Activity 2.4.2 – Develop Policies and Practices within the Existing Legal Framework (Quarters 3 and 4)

Together with the team of experts, the JP will propose positive practices that may be applied within the existing legal framework for better securing, control, and liquidation of assets.

COMPONENT 3: STRENGTHENING JUSTICE SECTOR INSTITUTIONS TO UPHOLD PUBLIC INTEGRITY AND COMBAT CORRUPTION

Component 3's objectives are to: 1) increase the integrity of the justice sector so that it is worthy of public trust and 2) strengthen the capability of courts and POs to prosecute and enforce the law against corrupt officials. This will be achieved by: 1) addressing mechanisms of judicial self-accountability, such as ethics and discipline, and 2) enhancing inter-agency cooperation, training, and the availability of tools to judges and prosecutors so they can effectively investigate, prosecute, and enforce the law against corrupt offenders.

Component 3 Objective Strengthening Justice Sector Institutions to Uphold Public Integrity and Combat Corruption Illustrative Programmatic Impact	
Impact	Outcome
3.1: Increased cooperation and coordination among state, entity, and cantonal law enforcement and justice sector institutions leads to the successful investigation and prosecution of corrupt cases	<ul style="list-style-type: none"> Improved judicial statistics on corruption cases and their exchange with law enforcement agencies Established mechanisms of cooperation between APIK and POs The Judicial Annual Conference on Anticorruption introduced as a mechanism to discuss experiences, identify priorities, and agree on strategies to prevent and punish corruption
3.2: The ODC is properly resourced to manage complaint procedures and to autonomously review the conduct of judges and prosecutors and recommends appropriate sanctions for unethical conduct and corruption	<ul style="list-style-type: none"> The ODC is empowered and its institutional positioning improved through assessment of its operations and recommendations for improvement The ODC and disciplinary committees better equipped for their functions through the development of guidelines for disciplinary sanctions and training
3.3: Disciplinary proceedings are processed expeditiously and fairly and disciplinary decisions are subject to independent and impartial review	<ul style="list-style-type: none"> The HJPC and the ODC are better informed on the fairness of the disciplinary proceedings through a survey of judges and prosecutors, as well as a study of disciplinary case precedents
3.4: Public trust and respect for justice sector institutions/actors are increased with respect to their demonstrated ability to act independently and impartially and to be held accountable	<ul style="list-style-type: none"> The JP and its partners base their activity on a scientific study rather than anecdotal data Improved self-accountability of the judicial branch through the review of ethics standards for judges, prosecutors, and other stakeholders Improved public perception of the judiciary through strategic communication of the ODC
3.5: Prosecutors and courts are trained in identifying elements of corrupt activities and are able to investigate, prosecute, and adjudicate corrupt practices and enforce the law against offenders	<ul style="list-style-type: none"> Prosecutors and judges better equipped to prosecute and adjudicate cases of corruption through a long-term training program based on training needs assessment

COMPONENT 3 ACTIVITIES THIS QUARTER

During the second quarter, the JP conducted preparatory work for the arrival of short-term expert assistance, which included consultations with counterparts and stakeholders, a review of relevant

documents, donor coordination, finalizing of the SOWs for short-term experts, and the selecting and recruiting the highest qualified candidates. An expert assessment of the ODC office operations (Activity 3.2.1) was initiated and will be finalized in the beginning of the next quarter (in April 2015). A Training Needs Assessment and program development relevant to increasing the effectiveness of judges and prosecutors in adjudicating and prosecuting cases of corruption was also initiated in the second quarter (Activity 3.5.1). The Project began the survey of judges' and prosecutors' perception of the fairness and impartiality of disciplinary proceedings (Activity 3.3.2) by developing the survey methodology and instrument (the questionnaire). The JP was also successful in facilitating the establishment of a mechanism of cooperation between the Agency for the Prevention of Corruption and Coordination of the Fight Against Corruption (APIK) and the HJPC (Activity 3.1.2).

In addition, under special activities of the Project, in cooperation with the AWP, the JP organized a roundtable discussion on the gender dimensions of corruption titled *The Impact of Corruption and Unethical Behavior on Women as a Marginalized Group*. The roundtable discussion brought together representatives from APIK, the HJPC, the BiH Gender Agency, professional associations (judges, prosecutors, and legal associates), and international organizations and non-governmental organizations (NGOs) to discuss and define recommendations relevant to preventing and combating corruption that are mindful of gender dimensions.

Activity 3.1 – Increased Cooperation and Coordination among State, Entity, and Cantonal Law Enforcement and Justice Sector Institutions Leads to the Successful Investigation and Prosecution of Corrupt Cases

To achieve increased inter-agency cooperation and coordination on anti-corruption efforts, in the second quarter the JP implemented the following sub-activities.

Activity 3.1.1 – Review and Recommend Improvement of Judicial Statistics on Corruption Cases and Their Exchange with Law Enforcement Agencies (Quarters 2 and 3)

In this quarter, the JP carried out substantial preparatory work for the arrival of a short-term International Judicial Statistics Expert. The goal of the preparatory work was to help: 1) finalize the SOW for the expert and identify the best candidate for the job, 2) secure the buy-in of the counterpart for the activity, and 3) consult with stakeholders. The preparatory work consisted of: a review of the current status of judicial statistics on corruption cases against international standards⁸; thorough meetings with the HJPC Judicial Administration and ICT Departments, as well as the BiH Statistics Agency; and the review of international assessments of the BiH criminal justice statistics in BiH.⁹

The judicial statistics collected by the HJPC as the judicial governance body, through CMS and TCMS, cover the period from 2012 to present. Only smaller courts and POs were able to enter cases older than 2012 into their systems. While the Chief Prosecutor and president of the court are responsible by law for the accuracy of the data entered into the CMS and TCMS, there is no regular audit system that will help validate the statistics collected. Consequently, variations in statistical reports and incompatibilities are often detected either by the HJPC or monitoring NGOs.

⁸ See UNODC 'Developing Standards in Justice and Home Affairs Statistics: International and EU Acquis' at: http://www.unodc.org/documents/southeasterneurope/CARDS_Developing_Standards_in_JHA_Statistics.pdf

⁹ See UNODC 'Technical Assessment Report on Bosnia and Herzegovina related to the Development of Monitoring Instruments for Judicial and Law Enforcement Institutions in the Western Balkans' at: http://www.unodc.org/documents/southeasterneurope/Technical_Assessment_Report_BiH-ENG_final.pdf

The judicial statistics, as reported in the Annual Report of the HJPC, do contain information on the performance of courts and POs, but most of this information is very basic — cases in and cases out each year, the number of cases carried over from one year to the next, the number of judges and staff, disposition and clearance rates for different proceedings, or types of disposition. While courts, POs, and the HJPC affirm the goal of reducing delays, they can rarely calculate current average disposition times or the incidence of factors contributing to delays. Finally, CMS and TCMS are composed largely of text entries making analysis difficult. For this reason, any analysis beyond what can be found in the annual reports of the HJPC is done by request only. These requests are made by HJPC committees or working groups, parliamentary committees, MOJs, NGOs, academia, and similar entities.

As to the compliance of BiH judicial statistics with the United Nations Office on Drugs and Crime (UNODC) *Standards in Justice and Home Affairs Statistics*, initial research revealed the following deficiencies, among others:

1. While the accused persons are linked to prosecution records through an integrated file number (IFN), individual prosecuted persons are not linked to police records through IFN
2. Cases going from one type of court or instance to the other do not retain the same case number making it difficult to track them
3. Judicial statistics as they relate to victims are not gender disaggregated, and the offender-victim relationship is not recorded
4. No survey based statistics are available.

Only this year the HJPC, through its SC on Efficiency of Prosecutors, initiated the introduction of a specific classification code for cases that fall under the category of corruption cases within the Criminal Codes of BiH, FBiH, RS, and Brčko District. A number of questions about the implementation of this code are yet to be clarified. 1) Will the new classification code for corruption cases be applied throughout the criminal justice sector statistics (courts and police)? 2) Will cases that were entered in the CMS and TCMS to date be reviewed and assigned the new classification code for corruption cases? 3) Given the existing challenges faced in the definition of elements of the crime of corruption, to what extent will the assigning of the classification code for corruption cases be subject to the evaluation/discretion of a prosecutor and how that will impact the margin of error? These and similar kinds of concerns still need to be addressed.

Since 2013, a Police-Prosecution Data Exchange System has been established with EU assistance. Currently this system enables the exchange of information between prosecutors and police on the status of an individual case, such as whether the investigation was initiated or cancelled and whether the indictment was confirmed. It does not allow the exchange of statistical information or analyses between agencies. As reported by NGOs, a significant number of police reports on corruption that were submitted to the prosecutor yielded no action. Prosecutors frequently complain of the poor quality of police investigations, the high incidence of illegally obtained evidence, and the poor quality of the evidence produced in general. Improved judicial statistics and their exchange with law

enforcement agencies will help avoid blame-shifting among justice sector actors and encourage information sharing as a cornerstone of any inter-agency cooperation in anti-corruption efforts.¹⁰

Some of these challenges were recognized by the HJPC, the courts, POs, NGOs, and the international community involved in supporting justice sector reform. The HJPC has been implementing changes to CMS and TCMS with funding from the EU Instrument for Pre-Accession Assistance to introduce a business intelligence system, which will enable the collection of additional data and easier analysis and access by involved stakeholders (the HJPC, courts, POs, MOJs), all of which will assist in decision-making.

With the above in mind, the goal of the JP international short-term Judicial Statistics Expert will be to enable improved access to statistical information on corruption cases for justice sector actors and stakeholders. This access should help secure: 1) the improvement of performance of justice sector actors and the development of supportive policies, 2) the improvement of management through better budgeting and advanced planning, 3) checks and balances between justice sector actors involved in anti-corruption efforts, 4) improved cooperation among justice sector actors involved in anti-corruption efforts, and 5) adherence to international standards on criminal justice statistics.

Despite the challenges associated with finding qualified experts in the field of judicial statistics with prior understanding of the BiH system and EU integration requirements, the JP managed to identify a suitable Statistics Expert to be engaged in this position. The expert will conduct a review of the judicial statistics on corruption cases in BiH by the beginning of Quarter 4 of Year 1, and will ensure that VWP implementation of this activity will be finalized in Quarter 4 of Year 1.

Activity 3.1.2 – Develop Mechanisms of Cooperation Between the Agency for the Prevention of Corruption and the Coordination of the Fight Against Corruption (APIK) and Prosecutor Offices (Quarters 1, 2, and 3)

In this quarter, on February 20, 2015, the JP facilitated a meeting between the HJPC and APIK to discuss specific areas and modalities of cooperation on anti-corruption efforts. For this purpose, the JP prepared an internal discussion paper on opportunities and challenges for establishing a mechanism for cooperation between APIK and POs in BiH. Prior to working on the development of the cooperation mechanism between APIK and POs, the parties deemed it more important to initially facilitate the establishment of institutional cooperation between APIK and the HJPC by means of a Memorandum of Understanding (MOU) to safeguard sustainability and ownership of the effort in the future. The JP was informed by the Head of Cabinet of the HJPC president that the latter formally approved the signing of the MOU, and that the HJPC will meet with APIK representatives to finalize the process. It is expected that the MOU will be signed in Year 1 of the Project.

Following the meetings with APIK and the HJPC, the JP proposed steps that will be undertaken to establish meaningful inter-agency cooperation between APIK and the HJPC. The proposed steps include a pilot effort on which the two agencies can cooperate with the support of the JP, the *Diagnostic Study to Determine Sources of Corruption in the Justice Chain* (for more details see

¹⁰ 'In terms of case management, countries with the best legal implementation strategies have developed inter-institutional, computerized, joint case-management processes for police, prosecutors and judges. Intra-institutional checks and balances are introduced when police, prosecutors and judges handle shared case files.' Buscaglia, Edgardo 'Judicial Corruption and the Broader Justice System'

Activity 3.4.1 below), and the potential entry into an additional, tripartite MOU between APIK, the HJPC, and the JP that will define areas of cooperation. As agreed, the JP drafted this MOU and submitted it to USAID for approval. Once approved by USAID, the MOU will be passed to the HJPC and APIK for comments and agreement. Under the draft MOU, signatories will commit to cooperate on the following matters:

1. The development and implementation of strategic documents on the prevention of and fight against corruption
2. The monitoring of the implementation of anti-corruption laws
3. The improvement of inter-agency cooperation and coordination on anti-corruption efforts
4. Research, collection of data, and other studies relevant to diagnosing sources of corruption
5. The development and implementation of training programs relevant to increasing the effectiveness of justice sector institutions in anti-corruption efforts
6. Increased capacity of prosecutors to prosecute cases of corruption, economic and organized crime, through their improved performance and status
7. The strengthening of judicial integrity through mechanisms of self-accountability (ethics and discipline)
8. The efficiency of the judiciary improved through the enforcement of judgments, as a relevant aspect of the fight against corruption.

The areas of cooperation between the three signatories, as defined under the draft MOU, will include:

1. Providing access to information, proactive information sharing, and consultations on the aforementioned matters
2. Active participation at relevant events (conferences, roundtables, meetings) and working groups sponsored by the signatories individually or jointly
3. Sharing the results of studies, analysis, recommendations, reports, and other information between signatories, and action thereof by each of the signatories, within their mandate.

In the next quarter, the JP will explore opportunities for cooperation between APIK and POs, in cooperation and coordination with Component I, through meetings with the HJPC SC, selected individual POs, and other stakeholders. Based on findings from the meetings as well as from the discussion paper, the JP will recommend a mechanism of cooperation between APIK and POs to be implemented in the next years of the project.

Activity 3.2 – The Office of Disciplinary Counsel (ODC) Is Properly Resourced to Manage Complaint Procedures and to Autonomously Review the Conduct of Judges and Prosecutors and Recommends Appropriate Sanctions for Unethical Conduct and Corruption

To achieve proper management of the ODC and its greater autonomy, as well as fairness and impartiality in disciplinary sanctioning, in this quarter the JP implemented the following sub-activities.

Activity 3.2.1 – Conduct an Office Operations Assessment of the ODC and Recommend Improvements for Its Better Institutional Positioning and Empowerment (Quarters 1, 2, and 3)

In this quarter, the JP conducted the ODC Office Operations Assessment and provided an analysis of findings with recommendations to increase the effectiveness and empowerment of the ODC. The draft ODC Office Operations Assessment includes observations and recommendations related to: 1) the institutional relationship of the ODC, including its competence, efficiency, and impact with respect to the HJPC and the disciplinary committees, and 2) the management of the ODC, including strategic planning, M&E, human resources, and budgeting. The assessment was carried out through the review of relevant documents — laws and bylaws, strategic documents, background papers, official policy and situation reports — and stakeholder consultations through structured interviews.

The assessment revealed that the ODC has many organizational issues that place limits on its ability to improve judicial services to the public at large. One of the central issues is the current institutional relationship between the HJPC and the ODC, where the ODC is dependent on the HJPC for funding and supervision. Other concerns include the limited mandate of disciplinary committees and the impact that has on disciplinary sanctioning, as well as the ODC's limited preventive role in the field of disciplinary issues within the judiciary. The assessment also pointed to significant concerns related to the management of the ODC. This includes the absence of strategic planning and agenda setting outside of the framework imposed by the HJPC, the HJPC-controlled budget, and the absence of any monitoring of the impact of the work of ODC. As found in the draft ODC Office Operations Assessment, preventive mechanisms and consistent, harmonized application of disciplinary measures, along with regular training and M&E, is key to securing the quality of judicial performance. For this reason, the disciplinary functions in BiH remain within the judiciary.

Over the life of the project, the JP will explore the possibilities available to remedy these deficiencies with its counterparts. Possible solutions include potentially placing the ODC outside the HJPC institutionally and staffing it with individuals who have judicial experience and an ability to think strategically for long-range planning and wider systemic change. Some of the specific recommendations from the Assessment, such as the analysis of disciplinary sanctions and the development of related guidelines (see Activity 3.2.2 below), as well as the development of an internal and external communications procedure for the ODC (see Activity 3.4.4 below), will be addressed in Year 1 of the JP, while other issues will be addressed in the following years of the Project in close consultation with the ODC, the HJPC, and other stakeholders.

Activity 3.2.2 – Develop Guidelines for Disciplinary Sanctions and Educate the ODC and Members of Disciplinary Committees on Disciplinary Sanction Guidelines (Quarters 2 and 3)

Following the development of the SOW for the short-term International Judicial Discipline Expert, as well as consultations with the ODC, the JP identified the most suitable expert to help develop the BiH disciplinary sanctioning guidelines and educate the ODC and members of the disciplinary committee on these guidelines. The expert, Victoria Henley, is currently serving as the Director and Chief Counsel of the California Commission on Judicial Performance. She has prior experience working with the BiH HJPC and ODC.

The overarching goal of this assistance is to support the institutional development of the HJPC and the ODC through pragmatic discussions that will promote reflection upon past practices,

knowledge sharing, and identification of areas in need of improvement. For this reason, the short-term expert was tasked with the following:

1. The study of disciplinary action by the ODC and decisions made by the HJPC in disciplinary case precedents, including the current disciplinary sanctioning practice and policy (see also Activity 3.3.1 below)
2. The outline of the contents of a future Benchbook for disciplinary committees and a handbook for disciplinary prosecutors
3. The development of disciplinary sanctioning guidelines.

The short-term expert will conduct her work in May 2015 in line with the Year 1 WP.

Furthermore, HJPC/ODC membership in the National Organization for Bar Counsel (NOBC) and/or the American Judicature Society was explored, and HJPC/ODC participation in NOBC conferences was also identified as an opportunity for education and peer review. This information was shared with the ODC. In consultation with the ODC, it was proposed that the HJPC and the ODC will become members of both aforementioned organizations with the assistance of the JP. Furthermore, the JP decided that participation in the NOBC conference will be postponed for the next Project year, rather than attending the conference scheduled for Quarter 4 of this year. Participation will occur after the expert's assistance has been provided to the ODC and the HJPC in several disciplinary areas as described above and once the ODC and the HJPC demonstrate their commitment to reform by implementing recommendations aimed at a more efficient and fair disciplinary procedure.

Activity 3.3 – Disciplinary Proceedings Are Processed Expeditiously and Fairly and Disciplinary Decisions Are Subject to Independent and Impartial Review (Quarters 2, 3, and 4)

Activity 3.3.1 – Study and Collect Decisions Made by the HJPC in Disciplinary Case Precedents for the Development of a Benchbook and Handbook (Quarters 2, 3, and 4)

In this quarter, the JP developed a methodology with the ODC to collect information on disciplinary actions taken by the ODC and decisions made by the HJPC in disciplinary case precedents. This information will be relevant to the development of disciplinary sanctioning guidelines (see Activity 3.2.2 above), as well as of the Benchbook for Disciplinary Committees and the Handbook for Disciplinary Prosecutors to be developed in subsequent years of the JP. Pursuant to this methodology, the disciplinary action by the ODC and decisions made by the HJPC in disciplinary case precedents were partly collected. Some additional disciplinary actions and decisions will be provided by the ODC.

As mentioned above under Activity 3.2.2, the implementation of this activity will be conducted by an International Judicial Discipline Expert in May and June 2015. Even though the activity was expected to begin in Quarter 2, the JP is on schedule and this task will be finalized on time (in Quarters 3 and 4).

Activity 3.3.2 – Conduct a Survey of Judges and Prosecutors to Determine Their Perception of the Fairness and Impartiality of Disciplinary Action (Quarters 2 and 3)

In this quarter, the JP developed the survey methodology and instrument (the questionnaire) to determine the perception of judges and prosecutors of the fairness and impartiality of disciplinary

action. The survey will be conducted through an online survey tool, SurveyMonkey®, allowing easy and fast access for all judges and prosecutors in the country. To secure local ownership and objectivity, the survey will be sponsored and sent out by the ODC and administered by the JP. The survey questionnaire includes questions related to: the institutional positioning and autonomy of the ODC, its competencies, transparency, and accountability, and the work practices of the ODC and disciplinary committees, including disciplinary sanctioning. The survey will be conducted in April 2015, to be followed by a report of findings with recommendations on how judges' and prosecutors' perception of the fairness and impartiality of disciplinary action can be improved. The results of the survey analysis will also be fed into the findings and recommendations of the ODC Office Operations Assessment (under Activity 3.2.1).

Activity 3.4 – Public Trust and Respect for Justice Sector Institutions/Actors Are Increased with Respect to Their Demonstrated Ability to Act Independently and Impartially and to Be Held Accountable

To achieve increased inter-agency cooperation and coordination on anti-corruption efforts, in this quarter JP implemented the following sub-activities.

Activity 3.4.1 – Conduct a Diagnostic Study to Determine the Sources of Corruption in the Justice Chain (Quarters 1–4)

In this quarter, the JP issued a Request for Proposals for the *Diagnostic Study to Determine the Sources of Corruption in the Justice Chain* (the Diagnostic Study). The Project received one proposal from the NGO Transparency International in partnership with a survey company, Prism Research. Both are leaders in the fields of anti-corruption and survey research. Following a thorough review of the proposal (institutional capacity, technical approach, budget, and timeline) and related intensive negotiation with the service providers regarding the budget and staffing of the legal expert team, the Project will award a sub-contract to Transparency International/Prism Research in April 2015. This intensive review and negotiation benefits the JP both in terms of the quality of the TI/Prism team and the expected outcome of the study. The Diagnostic Study will be completed by September as originally envisaged.

In this quarter, the JP also negotiated an agreement with the HJPC and APIK, and the two institutions committed to support the Diagnostic Study. This was important to securing local ownership of the Diagnostic Study and thus increasing its efficiency and effectiveness by facilitating access to information and the participation of counterparts in the definition of findings and recommendations of the Diagnostic Study.

Activity 3.4.2 – Review Ethics Codes for Judges and Prosecutors and Their Application and Recommend Necessary Revisions (Quarters 2, 3, and 4)

In this quarter, the JP developed a SOW for an short-term International Judicial Ethics Expert to review ethics codes for judges and prosecutors and their application, as well as recommend necessary revisions. A suitable expert in judicial conduct and ethics was identified who will review the codes and their application at the end of April and beginning of May 2015.

The expert's review will include: 1) a study of existing codes (in theory and practice) and comparative legal literature; 2) discussions with members of the judiciary to probe their understanding of current codes, as well as to identify and define additional standards to regulate the behaviour of judges and prosecutors; and 3) consultations with other organizations (e.g., bar

associations, victims groups, businesses, media, etc.) and the general public to gain further perspectives on the perception of the judiciary's integrity and adherence to ethical standards.

Special Activities: In light of USAID's dedicating the month of March to women's empowerment and in cooperation with the AWJ, the JP organized a roundtable discussion *The Impact of Corruption and Unethical Behavior on Women as a Marginalized Group* that focused on the gender dimensions of corruption. The roundtable discussion brought together representatives of APIK, the HJPC, the BiH Gender Agency, representatives of professional associations (judges, prosecutors, and legal associates), international organizations, and NGOs. The participants of the roundtable developed a set of recommendations for preventing and combating corruption, with special attention paid to how corruption impacts women. The main recommendations included:

- Raise awareness of the direct and negative impact of corruption on women as more vulnerable members of society, in particular with regard to "sextortion" (the extortion of sex from a position of power)
- Provide targeted judicial and prosecutorial training on improving the understanding of extortion as a phenomenon and identifying the elements of sextortion that might lead to more effective prosecution of these cases
- Improve the sanctioning policy in disciplinary proceedings when it comes to cases of sexual harassment at work
- Strengthen the adherence to judicial ethical standards, in particular to the newly adopted (February 2015) HJPC Guidelines for the prevention of sexual and work related harassment in the BiH judiciary
- Promote the collection of judicial gender disaggregated data and foster research in order to better identify and evaluate risk areas
- Support the wider inclusion of a gender perspective into judicial and overall anticorruption policies and strategies, including judicial self-accountability mechanisms, in particular in the field of judicial professional ethics and disciplinary responsibility.

This activity was used to support the implementation of Activity 3.4.2, which provides for a review of judicial ethics codes and standards with regard to changing realities and new concerns, in particular the gender-sensitive phenomenon of sextortion.

Activity 3.4.3 – Review Existing Ethics Standards for Court and Prosecutor Office Personnel and Their Application and Recommend Improvements (Quarters 2, 3, and 4)

In this quarter, Component 3 staff looked into the legal framework for court and PO personnel standards of ethics and their application in preparation for the engagement of the International Judicial Ethics Expert in the next quarter (see Activity 3.4.2 above). This was done based on the review of relevant laws and by-laws and on consultations with representatives of courts and POs. It was concluded that while there is uniformity in the regulation and application of ethics for judges and prosecutors, the ethics standards for court and PO personnel are regulated differently depending on the status of the personnel (civil servants and non-civil servants). These ethics standards can be found in the Law on Civil Service, internal regulations of courts and POs, and other by-laws. It was found that the awareness of court and PO personnel about the ethics standards is low and that there is an opportunity for progress in this field.

With those conclusions in mind, the short-term International Judicial Ethics Expert (see Activity 3.4.2 above) will contribute to a review of BiH ethics standards for court and PO personnel through a study of international best practices for ethics standards for court and PO personnel, and she will present these best practices at a roundtable discussion with stakeholders, facilitating a discussion on their applicability in the BiH context, and formulating conclusions and recommendations as to how to better regulate court and PO personnel and improve adherence to ethical standards. It is important to note that Component 2 of the EU Project *Capacity Building for Judicial Reform in Bosnia and Herzegovina* is intensively working on improving the status of non-judicial and non-prosecutorial staff in BiH and that the JP will continue to coordinate its activities with the EU on this activity.

Activity 3.4.4 – Develop a Public Communications Strategy and Communication Procedures for the ODC (Quarters 2 and 3)

In this quarter, the JP developed a SOW and recruited a BiH short-term Strategic Communication Expert. The expert is a journalist and the Director of Infohouse, the NGO that serves as the Secretariat of ACCOUNT, the anti-corruption network of NGOs, and will maximize the impact of her assistance to the ODC on the development of the communications strategy and procedures.

A leading Bosnian expert was identified and approved in this quarter and will commence work in April 2015. An introductory meeting will be held with the ODC in the next quarter on April 6, to agree the work methodology and future steps and to discuss the input required from the ODC. The work of the short-term expert will be finalized in the next quarter.

Activity 3.5 – Prosecutors and Judges Are Trained in Identifying Elements of Corrupt Activities and Are Able to Investigate and Prosecute Corrupt Practices and Enforce the Law Against Offenders

To enable judges and prosecutors to prosecute and adjudicate cases of corruption, in this quarter the JP implemented the following sub-activities.

Activity 3.5.1 – Conduct a Training Needs Assessment and Develop a Long-Term Training Program (Quarters 1, 2, and 3)

In this quarter, the JP drafted an SOW for a short-term training expert and recruited a former United States (US) judge and attorney general, Richard Gebelein, who also served on the BiH State Court and adjudicated corruption cases.

In line with the SOW, the short-term expert will deliver: 1) a Training Needs Assessment to include a review of background information, best practices, the results of three levels of needs assessment (organizational, task and performance analysis), and the results of stakeholder consultations, 2) a Training Program, and 3) Training Program Evaluation Tools. In this quarter, the short-term expert conducted most of the work under the Training Needs Assessment. In April, the short-term expert will finalize his work on the remaining tasks.

COMPONENT 3 ACTIVITIES ANTICIPATED AND IN PREPARATION FOR THE NEXT QUARTER

The following Component 3 activities are planned for Quarter 3.

Activity 3.1.1 – Review and Recommend Improvement of Judicial Statistics on Corruption Cases and Their Exchange with Law Enforcement Agencies (Quarters 2 and 3)

- JP identified a Statistics Expert as a potential expert to be engaged. Based on his availability, the short-term International Judicial Statistics Expert will commence work on the review of the judicial statistics on corruption cases in BiH at the end of the next quarter or at the beginning of Quarter 4. It is expected that this activity will be finalized in Quarter 4 of Year 1.

Activity 3.1.2 – Develop Mechanisms of Cooperation Between APIK and Prosecutor Offices (Quarters 1, 2, and 3)

- The JP will continue its efforts to facilitate the signing of the MOU between APIK and the HJPC, and potentially another MOU with the JP on cooperation on anti-corruption efforts, as well as further explore mechanisms of cooperation between APIK and POs.

Activity 3.2.1 – Conduct an Office Operations Assessment of the ODC and Recommend Improvements for Its Better Institutional Positioning and Empowerment (Quarters 1, 2, and 3)

- This activity will be finalized in Quarter 3.

Activity 3.2.2 – Develop Guidelines for Disciplinary Sanctions and Educate the ODC and Members of Disciplinary Committees on Disciplinary Sanction Guidelines (Quarters 2 and 3)

- The short-term International Judicial Discipline Expert will finalize her work on the development of the Guidelines for Disciplinary Sanctions.

Activity 3.3.1 – Study and Collect Decisions Made by the HJPC in Disciplinary Case Precedents for the Development of a Benchbook and Handbook (Quarters 2, 3, and 4)

- The short-term International Judicial Discipline Expert will study disciplinary case precedents for the development of the Guidelines for Disciplinary Sanctioning (see Activity 3.2.2) and the development of a Benchbook for use by disciplinary committees in adjudicating disciplinary matters.

Activity 3.3.2 – Conduct a Survey of Judges and Prosecutors to Determine Their Perception of the Fairness and Impartiality of Disciplinary Action (Quarters 2 and 3)

- Based on the developed survey methodology and questionnaire, the survey will be conducted and a report of findings with recommendations will be produced.

Activity 3.4.1 – Conduct a Diagnostic Study to Determine the Sources of Corruption in the Justice Chain (Quarters 1–4)

- Through its subcontractor, the JP will finalize part of the work on the Diagnostic Study on sources of corruption in the justice chain (the development of the methodology of the study, the survey, outline of the study content, and format).

Activity 3.4.2 – Review Ethics Codes for Judges and Prosecutors and Their Application and Recommend Necessary Revisions (Quarters 2, 3, and 4)

- The short-term international judicial ethics expert will review the ethics codes and recommend improvements.

Activity 3.4.3 – Review Existing Ethics Standards for Court and Prosecutor Office Personnel and Their Application and Recommend Improvements (Quarters 2, 3, and 4)

- The short-term international judicial ethics expert will recommend how to better regulate court and prosecutor's office personnel and to improve adherence to ethics standards, through presentation of a study of international experience.

Activity 3.4.4 – Develop a Public Communications Strategy and Communication Procedures for the ODC (Quarters 2 and 3)

- The short-term communications expert will finalize her work on the development of the public communications strategy and procedures for ODC.

Activity 3.5.1 – Conduct a Training Needs Assessment and Develop a Long-Term Training Program (Quarters 1, 2, and 3)

- The training needs assessment, training program and training program evaluation tools will be finalized.